

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

William Kennedy,

Plaintiff,

v.

Case No. 2:14-cv-977

Carolyn W. Colvin,
Acting Commissioner of
Social Security,

Defendant.

ORDER

This matter is before the court for consideration of the February 4, 2015, report and recommendation of the United States magistrate judge to whom this case was referred pursuant to 28 U.S.C. §636(b). The magistrate judge recommended that the decision of the Commissioner be reversed and that the action be remanded to the Commissioner for further consideration of the opinions of Dr. Powers.

The report and recommendation specifically advised the parties that failure to object to the report and recommendation within fourteen days of the filing of the report "will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court[.]" Doc. 17, pp. 36-37. Noting that no objections have been filed and that the time for filing such objections has expired, the court adopts and affirms the report and recommendation (Doc. 23).

The decision of the Commissioner of Social Security denying plaintiff's applications for a period of disability and disability insurance benefits is reversed pursuant to Sentence 4 of 42 U.S.C. §405(g). This action is hereby remanded to the Commissioner for

further proceedings consistent with the report and recommendation and this order. On remand, the administrative law judge shall further consider the opinions of Dr. Powers. The clerk is directed to enter a final judgment in this case.

Date: February 25, 2015

s/James L. Graham
James L. Graham
United States District Judge